

IAP7 Rec'd PCT/PTO 01 JUN 2006

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June 1, 2006

MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Re: International Patent Application No. PCT/GB03/03686  
Applicant : John Milton *et al.*  
Title : MODIFIED NUCLEOTIDES  
Serial No. : 10/525,401  
Filed : February 23, 2005  
Our File : 2713-1-025

EXPRESS MAIL "MAILING LABEL NO." : EV 748267007 US

DATE OF DEPOSIT : June 1, 2006

SUBMISSION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Dear Sir:

Responsive to the Notification of Missing Requirements under 35 U.S.C. 371 in the U.S.  
Designated/Elected Office, copy enclosed, Applicants submit herewith the following:

1. A combined Declaration and Power of Attorney making reference to the above-identified Application, and in compliance with 37 CFR 1.497 (a) and (b).
2. A check in the amount of \$65.00, representing the Surcharge under 37 CFR 1.492(h) for late filing of the executed Declaration and Power of Attorney.

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MAIL STOP PCT  
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June 1, 2006

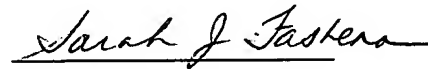
Page - 2 -

Our File: 2713-1-025

3. A Response to Request for Sequence Listing Under 37 CFR 1.821-1.825 contained within Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US).

Applicants hereby authorize that any charges in addition to the above authorized that relate to the filing and processing of the present Application in accordance with 37 CFR 1.16 and 1.17 may be charged to Deposit Account No. 11-1153. A duplicate copy of this letter is provided for this purpose.

Respectfully submitted,



Sarah J. Fashena, Ph.D.  
Attorney for Applicant(s)  
Registration No. 57,600

KLAUBER & JACKSON LLC  
411 Hackensack Avenue  
Hackensack, NJ 07601  
(201) 487-5800

Date: June 1, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : John Milton *et al.* EXAMINER : Unknown  
SERIAL NO. : 10/525,401 ART UNIT : Unknown  
FILED : February 23, 2005  
FOR : MODIFIED NUCLEOTIDES

**EXPRESS MAIL "MAILING LABEL NO." : EV 748267007 US**

**DATE OF DEPOSIT : June 1, 2006**

RESPONSE TO REQUEST FOR SEQUENCE LISTING UNDER 37 CFR §1.821-1.825  
CONTAINED WITHIN NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

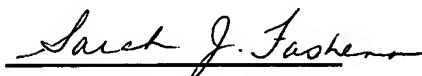
This is in response to the request for the submission of a Sequence Listing with respect to the above-identified application, contained within the Notification of Missing Requirements, having a date of mailing of April 4, 2006. For purposes of reference to the following response, a further copy of the Notification is attached hereto. It should be understood that the primary copy that is to be submitted with the reply to the Notification is also enclosed with the rest of the documents submitted in compliance with the requirement for completeness in the response to the indicated requirements.

Applicants submit that the request for a sequence listing is in error in this application, in as much as the application contains no specific disclosure of particular nucleic acids or amino acids as is generally requisite for the submission of a sequence listing. Rather, and upon a careful review of the present application, it will be clear that the present application is directed explicitly to modified nucleotides and methods for using and deprotecting same and thus does not require the submission of a sequence listing. In fact, no where in the present application are references contained or even referred to indirectly, that embrace either nucleic or amino acid sequences that would require the submission of a sequence listing. Along these lines, applicants also question the assertion in the Notification of Missing Requirements that a Biochemical Sequence Diskette was filed with the application on 2/23/05. Based on our records, no such diskette was filed.

On the basis of the above and upon a careful review of the application, applicants believe that the above-indicated requirement should be withdrawn and hereby request a formal written confirmation and withdrawal thereof so as to complete the record herein.

Such early and favorable action on applicants' request is believed to be in order, and is courteously solicited.

Respectfully submitted,



Sarah J. Fashena, Ph.D.  
Agent for Applicants  
Registration No. 57,600

KLAUBER & JACKSON LLC  
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PHONE: 201-487-5800

DATE: June 1, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,401	John Milton	2713-1-025

INTERNATIONAL APPLICATION NO.

PCT/GB03/03686

I.A. FILING DATE

08/22/2003

PRIORITY DATE

08/23/2002

Klauber & Jackson  
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Hackensack, NJ 07601

RECEIVED

APR 10 2006

KLAUBER &amp; JACKSON

CONFIRMATION NO. 7534

371 FORMALITIES LETTER



\*OC000000018450685\*

Date Mailed: 04/04/2006

DUE: 6/4/06  
DDO: 10/4/06

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/23/2005
- Copy of the International Search Report filed on 02/23/2005
- Preliminary Amendments filed on 02/23/2005
- Information Disclosure Statements filed on 06/16/2005
- Biochemical Sequence Diskette filed on 02/23/2005
- Oath or Declaration filed on 02/23/2005
- Small Entity Statement filed on 02/23/2005
- Request for Immediate Examination filed on 02/23/2005
- Copy of references cited in ISR filed on 02/23/2005
- U.S. Basic National Fees filed on 02/23/2005
- Priority Documents filed on 02/23/2005
- Specification filed on 02/23/2005
- Claims filed on 02/23/2005
- Abstracts filed on 02/23/2005
- Drawings filed on 02/23/2005

DOCKETED CPI

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,401	PCT/GB03/03686	2713-1-025